



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 12 2020

MEMORANDUM

SUBJECT: Recusal Statement, Revision #3

FROM: Kurt A. Thiede
Regional Administrator

A handwritten signature in black ink, appearing to be "KAT", is written over the name "Kurt A. Thiede".

TO: Andrew R. Wheeler
Administrator

I previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and the Region's ethics team and have been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. *This revision supersedes my recusal statements for my prior position as Chief of Staff. It adds my obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.*

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know I have a financial interest directly and predictably affected by the matter, or in which I know a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and the Region's ethics team and been advised that I do not currently have any significant financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employer, the Wisconsin Department of Natural Resources (WDNR). The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order

regarding former employer do not apply to me. The definition of “former employer” in the Executive Order excludes state government.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I had a “covered relationship” with my former employer, which is a state government. However, on January 3, 2018, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Wisconsin, but not on the very same specific party matters I worked on personally and substantially while employed with the WDNR. Attached is a list of matters I am recused from given my role at WDNR.

SCREENING ARRANGEMENT

To ensure I do not participate in matters relating to any of the entities listed below, I will instruct the Deputy Regional Administrator (DRA), Region 5, and Regional Administrator assistants (identified in the cc: list below) to assist in screening EPA matters directed to my attention that involve those entities. To help ensure I do not inadvertently participate in matters from which I am recused, I am directing the DRA to seek the assistance of the Region 5 Ethics Team and/or OGC/Ethics if she is ever uncertain whether I may participate in a matter. All inquiries and comments involving the entities on my recusal list should be directed to the DRA without my knowledge or involvement until after my recusal period ends.

If the DRA determines, with input from Region 5 Ethics and/or OGC/Ethics as appropriate, that a particular matter will directly involve any of the entities on my “specific party” recusal list, she will take action or assign it to another, without my knowledge or involvement. I will provide a copy of this memorandum to my principal subordinates, Justina Fugh, Director, Ethics Office, and Ann Coyle, Regional Ethics Attorney.

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region’s ethics team, I will revise and update my recusal statement whenever warranted by changed circumstances, including a determination that I worked personally and substantially on a particular matter, not yet identified, while at WDNR, changes in my financial interests, changes in my personal or business relationships, or changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and my principal subordinates.

cc: Justina Fugh, Director, Ethics Office
Cheryl Newton, Deputy Regional Administrator
Leverett Nelson, Regional Counsel, Region 5
Ann Coyle, Regional Ethics Counsel, Region 5
Felicia Williams, Executive Assistant to the Regional Administrator
Marjorie Marshall, Secretary

¹ Exec. Order 13770, Section 2(j), provides: “‘former employer’ does not include ... State or local government.”

Kurt Thiede–Wisconsin Department of Natural Resources Permanent Recusal	
Company/Matter	Statute(s)
Ashley Furniture	CWA
Back 40/Aquila Mine	CWA
Calumet Superior/Husky	Various
Foxconn	Various
Kinnard Farms	CWA NPDES
Kohler Golf Course	CWA
Legal Authority Review	CWA NPDES
Madison-Kipp Corp (Madison)	TSCA PCBs
Meteor Timber	CWA
Mid-America Steel Drum a/k/a Greif a/k/a CLCM (Milwaukee)	Various
NPDES withdrawal petition	CWA NPDES
Ozone Designations and SIPs <ul style="list-style-type: none"> • Door County • Kenosha County • Manitowoc County • Milwaukee County • Ozaukee County • Racine County • Sheboygan County • Washington County • Waukesha County 	CAA
WDNR’s comments on Tribal “Treatment as State” Reinterpretation Rule <ul style="list-style-type: none"> • Forest County Potawatomi, Treatment as a State • Lac Courte Oreilles, Treatment as a State 	CWA & CAA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 12 2020

THE INSPECTOR GENERAL

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Sean W. O'Donnell
Inspector General

A handwritten signature in blue ink, reading "Sean W O'Donnell", is placed next to the printed name of the Inspector General.

TO: Andrew R. Wheeler
Administrator

I have previously consulted with the Office of General Counsel/Ethics and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

My spouse is employed by the National Association of Clean Water Agencies in a position for which she receives a fixed annual salary and a bonus tied to her performance. I have consulted with OGC/Ethics and I understand that for as long as my spouse works for NACWA, I am prohibited from participating personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on my spouse's compensation or employment with NACWA.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, appointees have ethics obligations with respect to their former employer. However, I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me. The definition of

“former employer” in the Executive Order excludes the Federal Government.¹ Since my former employer was the U.S. Department of Justice, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to federal ethics rules, I understand that I have a “covered relationship” with my spouse’s current employer, NACWA. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which I know my spouse’s employer is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). I understand that this recusal remains in effect for the duration of my spouse’s current employment.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to the entity listed above, I will instruct the Deputy Inspector General to assist in screening EPA matters directed to my attention that involve my spouse’s employer. All inquiries and comments involving the entity on my recusal list should be directed to the Deputy Inspector General without my knowledge or involvement.

If the Deputy Inspector General determines that I am recused, then he will refer the matter for action or assignment to another, without my knowledge or involvement. If the Deputy Inspector General is unsure whether an issue is a particular matter from which I am recused, then he will consult with the Counsel to the Inspector General for a determination. I will provide a copy of this memorandum to my principal subordinates and the Counsel to the Inspector General.

UPDATE AS NECESSARY

In consultation with the Counsel to the Inspector General, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. The Counsel to the Inspector General will provide any updated recusal statements to OGC/Ethics. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to the Counsel to the Inspector General and OGC/Ethics.

cc: Charles J. Sheehan, Deputy Inspector General
Eric Hanger, Deputy Counsel to the Inspector General
Assistant Inspectors General
Justina Fugh, Director, OGC


¹ Exec. Order 13770, Section 2(j), provides: “‘former employer’ does not include any executive agency or other entity of the Federal Government.”



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MEMORANDUM

SUBJECT: Recusal Statement

FROM: John W. Busterud 
Regional Administrator

TO: Andrew R. Wheeler
Administrator

DATE: February 21, 2020

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and the Region's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest or a personal or business relationship. I also understand that I have obligations under my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1) or qualify for a regulatory exemption pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I understand that I am disqualified from participating personally and substantially in any particular matter that will have a direct and predictable effect upon any of the following entities as a specific party:

RECUSAL LIST - NAME OF COMPANY	
Alphabet Inc. (Google)	Berkshire Hathaway Inc. (BRK) and any of its subsidiaries, including but not limited to: ¹
Amazon	
Apple Inc.	Berkshire Hathaway Energy
Boeing Co.	- PacifiCorp (Pacific Power)
Charles Schwab	- MidAmerican Energy Company
Citigroup	- NV Energy
Microsoft	- Northern Powergrid
Primerica	- Northern Natural Gas
Raymond James	- Kern River Gas Transmission Company
	- BHE Renewables
	- BHE U.S. Transmission (American Electric Power Company; Trans Canyon LLC; Bright Canyon Energy; Pinnacle West Capital Corporation/Arizona Public Service)
	BNSF Railway
	Marmon Holdings, Inc.

I also understand that I am recused from participating personally and substantially in any particular matter of general applicability that is focused in the following sectors: **internet technology; electronic technology; aerospace; and any sector in which BRK and its subsidiaries operate (e.g., pipelines, railroads, renewable fuels, alternative fuels, natural gas, and electricity)**. I have consulted with OGC/Ethics and the Regional Counsel, who consulted with the regional career leadership, and been advised that my official duties as Regional Administrator are not expected to involve particular matters of general applicability. Should a particular matter arise that appears to be focused on one of these sectors, then I will consult with OGC/Ethics and the Regional Counsel before participation.

IMPARTIALITY OBLIGATIONS

Because I am in an Administratively Determined position, I have been advised by OGC/Ethics that I am not considered an appointee for purposes of Executive Order 13770 and therefore not required to sign the Trump Ethics Pledge. But as an executive branch employee, I understand that I am subject to the federal impartiality standards. Pursuant to 5 C.F.R. § 2635.502(b)(iv), I understand that I have a “covered relationship” with any organization that I have served as officer, director or trustee during the past year. Thus, I am prohibited from participating in any particular matter involving specific parties in which the **California Council**

¹ For a complete list of Berkshire Hathaway’s subsidiaries, see <https://www.berkshirehathaway.com/subs/sublinks.html>.

for Environmental and Economic Balance, the California Veterans Board, or the American Foundation for Relief and Reconciliation in the Middle East is a party or represents a party. My recusal lasts for one year from when I last provided service to any of these organizations.

RECUSAL REGARDING MY SPOUSE

My spouse, (b) (6) serves in the Office of Regional Counsel in Region 9. I have consulted with OGC/Ethics and been advised that we are abiding by the EPA Order on Employment of Relatives (EPA Order 3110) because we do not report to the same first level supervisor. In fact, all of EPA's Offices of Regional Counsel report directly to Headquarters². That said, I understand that I am precluded from participating personally and substantially in any determination, request or recommendation that specifically relates to or affects the salary or benefits of my spouse. Therefore, pursuant to 18 U.S.C. § 208 and 5 C.F.R. § 2635.502, I will recuse myself from participating in any award, promotion or any other personnel or administrative matter that involves my spouse as a specific party.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters from which I recused, I will instruct the Deputy Regional Administrator to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to the Deputy Regional Administrator without my knowledge or involvement.

If the Deputy Regional Administrator determines that a particular matter will directly involve any of the entities listed on my recusal list, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics and/or the Region's ethics team for a determination. I will provide a copy of this memorandum to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region's ethics team, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my

² The first level supervisor for my spouse is the Regional Counsel, and the second level supervisor is the Principal Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance (in even years) or the Deputy General Counsel for Environmental Media and Regional Law Offices, Office of General Counsel (in odd years). She does not report to or through the Deputy Regional Administrator or the Regional Administrator.

financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and my principal subordinates.

cc: Deborah Jordan, Deputy Regional Administrator
Sylvia Quast, Regional Counsel
Steven Jawgiel, Regional Ethics Counsel
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Ken McQueen *Ken McQueen*
Regional Administrator

DATE: February 21, 2020

TO: Andrew R. Wheeler
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and the Region's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the President's Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 United States Code (U.S.C.) § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I understand that I am recused from participating personally and substantially in any particular matter that will have a direct and predictable effect on the ability and willingness of companies in which I have corporate or municipal bonds and debt obligations to honor its obligations, or that could affect a bond rating. I have been advised that it is highly unlikely that I will participate in such matters as the Regional Administrator; therefore, I do not expect that my disqualification requirement with regard to these financial interests will impact my ability to perform my official duties.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770, THE ETHICS PLEDGE

Pursuant to Section 1, Paragraph 6 of the Ethics Pledge, I understand that I am prohibited from participating in any particular matter involving specific parties in which **Kenergy Consulting LLC** or **Sonoran Energy Partners**, my “former employers,” is a party or is representing a party, and my former clients, **Permian Oilfield Partners** and **Foundation Energy Management, LLC**, to which I provided services during the two years before joining federal service, is a party or represents a party. Under the terms of the Ethics Pledge, these recusal requirements last for two years from the date that I joined federal service, or until August 4, 2021.

I have been advised by OGC/Ethics that, for the purposes of this Ethics Pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties representing a diversity of viewpoints. If a representative of my former employer or former client is present, then I understand that at least four other parties should be present before I may participate to ensure that a diversity of viewpoints is represented and not the same united perspective.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

As an executive branch employee, I understand that I am also subject to the federal impartiality standards at 5 Code of Federal Regulations § 2635.502(a). Although I no longer have a “covered relationship” with the New Mexico Energy, Minerals, and Natural Resources Department (EMNRD) because my employment ended more than one year ago, I have agreed to disqualify myself from participating in any particular matters involving specific parties pending at EPA in which I participated personally and substantially as an EMNRD employee. Currently, I am not aware of any such pending specific party matters involving EMNRD that require my disqualification.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters covered by my recusal statement, I will instruct the Deputy Regional Administrator to assist in screening EPA matters that would otherwise come to my attention. Anyone with questions regarding matters covered by my recusals should direct them to the Deputy Regional Administrator without my knowledge or involvement. If the Deputy Regional Administrator determines that a particular matter will directly involve any of the entities listed on my recusal list, then he will refer it for action or assignment to another person without my knowledge or involvement. If he is unsure whether a matter is covered by my recusal, then he will consult with OGC/Ethics and/or the Region’s ethics team for a determination.

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region's ethics team, when necessary, I will revise my recusal statement if there is a change in my financial interests, personal or business relationships, or my EPA duties. I will provide a copy of the revised recusal statement to you, OGC/Ethics, and my principal subordinates.

cc: David W. Gray, Deputy Regional Administrator
I-Jung Chiang, Acting Chief of Staff
Patricia Welton, Acting Regional Counsel
Terry Leddon, Assistant Deputy Ethics Official, Region 6
Justina Fugh, Director, Ethics Office